

# United States Court of Appeals for the Fifth Circuit

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No. 22-60391

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United States Court of Appeals  
Fifth Circuit

**FILED**

August 18, 2022

MARK S. BUCKNER, SR.,

Lyle W. Cayce  
Clerk

*Plaintiff—Appellant,*

*versus*

WEST TALLAHATCHIE SCHOOL DISTRICT; CHRISTOPHER  
FURDGE, *Superintendent*; DEVORA BERDIN, *Principal*; MADALYN  
JOHNSON, *Business Manager*; GLORIA CARTER, *President of Board*;  
TRACEY MIMS, *Board Secretary*; LUCINDA BERRYHILL, *Board*  
*Member*; CORA HOOPER, *Board Member*; MARVIN GEORGE, *Board*  
*Member*,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 3:19-CV-264

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Before KING, ENGELHARDT, and OLDHAM, *Circuit Judges*.

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). Pursuant to 28 U.S.C. § 2107(a) and Federal Rule of Appellate

No. 22-60391

Procedure 4(a)(1)(A), the notice of appeal in a civil case must be filed within thirty days of entry of judgment.

In this civil rights action, the district court entered final judgment dismissing the complaint on June 2, 2022. Therefore, the final day for filing a timely notice of appeal was Tuesday, July 6, 2022, because the thirtieth day was a Saturday, and the following Monday was a federal holiday. *See* FED. R. APP. P. 26(a)(1)(C). Plaintiff's notice of appeal was filed on July 12, 2022. When set by statute, the time limitation for filing a notice of appeal in a civil case is jurisdictional. *Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 17 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007). The lack of a timely notice mandates dismissal of the appeal. *United States v. Garcia-Machado*, 845 F.2d 492, 493 (5th Cir. 1988).

Accordingly, the appeal is DISMISSED for want of jurisdiction.



Certified as a true copy and issued  
as the mandate on Sep 09, 2022

Attest:

*Jyle W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit